doctrine it has been held that a shipment of lumber from an interior point in a State to a seaport of that State, and intended by the purchaser for export, was in foreign commerce as soon as it started for the seaport. *Texas & N. O. R. Co.* v. *Sabine Tram Co.*, 227 U. S. 111 (1913). The instant case seems to fall clearly within the rule laid down in the last case cited, and thus the limitation of liability in the bills of lading would be valid.

The point at issue here does not seem to have been passed on in Virginia.

CONFLICT OF LAWS—WHAT LAW GOVERNS THE DETERMINATION OF THE HEIRS OF A BENEFICIARY DYING A RESIDENT OF ONE STATE WHERE TRUST DEED EXECUTED BY SETTLOR DOMICILED IN ANOTHER STATE.—The settlor, a resident of Massachusetts, conveyed real property situated in New York, to a trustee who was to pay the income from the property to a beneficiary for life and at the death of the beneficiary to convey the property to her heirs at law. At the time of this trust deed the settlor, trustee, and the beneficiary resided in Massachusetts. Upon the death of the beneficiary, who had since become a resident of New York, the trustee brought an action in New York to determine whether the law of Massachusetts, the domicile of the settlor, or the law of New York, the situs of the property, and the domicile of the beneficiary at her death, should determine who were the heirs at law of the deceased beneficiary. *Held*, the law of the domicile of the settlor should control. *Cary* v. *Carman*, 190 N. Y. S. 193 (1921).

It is well settled that when a man dies intestate the heirs to his real property are determined by the *lex rei sitae*. *Grimball* v. *Patton*, 70 Ala. 626 (1881). And the distributees of his personalty are determined by the *lex domicilii*. *Pipon* v. *Pipon*, Amb. 25, 27 Eng. Rep. R. 14 (1744); *Vroom* v. *Van Horne*, 10 Paige (N. Y.) 549, 42 Am. Dec. 94 (1884). It is also well settled that the laws of the testator's domicile govern the construction of his will, so that where a testator domiciled in one State leaves real property in another State by will to his heirs, the law of the testator's domicile determines who are his heirs. *Guerard* v. *Guerard*, 73 Ga. 506 (1884). And the same principle applies to trust instruments. *Brown* v. *Ransey*, 74 Ga. 210 (1884). Likewise where a compromise agreement to determinate the contest of a will was executed in one State, then the laws of that State govern in determining who are the heirs of the beneficiary who had acquired a domicile in another State at the time of his death. *Brandeis* v. *Atkins*, 204 Mass. 471, 90 N. E. 861, 26 L. R. A. (N. S.) 230 (1910).

Where, however, the donor is domiciled in one State and the beneficiary, who is the foundation of the class to be determined, is a resident of another State the authorities are not in accord as to which law determines who are the heirs of the beneficiary. One case is to the effect that the law of the beneficiary's domicile at his death should control as to personal property so conveyed. *Price* v. *Tally's Adm'rs*, 10 Ala. 946 (1847). And so where a life interest in personal property was left by will to a beneficiary residing in another State, with remainder over

to a person in existence and the heirs of his body, it was held that the law of the domicile of the testator determined the nature of the estates created, but the law of the domicile of the remainderman controlled in establishing who were the heirs of his body, the personalty being within the State of the domicile of the remainderman at his death. *Penny* v. *Christmas*, 7 Rob. (La.) 481 (1844). Also where A., domiciled in one State, executed a trust deed conveying certain personal property to a trustee with directions to convert into realty and pay the income to B. for life, then back to A. and his heirs at law, A. dying intestate domiciled in another State from that in which the deed was made, it was held that the laws of the first State determined the construction of the instrument, but the laws of the settlor's last domicile governed who took thereunder. *Merrill* v. *Preston*, 135 Mass. 451 (1883).

But the weight of authority seems to be that the persons to take as heirs of the beneficiary after the latter's life estate should be determined by the domicile of the testator or settlor. *Lincoln* v. *Perry*, 149 Mass. 368, 21 N. E. 671, 4 L. R. A. 215 (1889); *Codman* v. *Krell*, 152 Mass. 215, 25 N. E. 90 (1890); *In Re Devoe*, 66 App. Div. 1, 72 N. Y. Supp. 962 (1901). The reason given for this rule is that the testator is presumed to be more familiar with the laws of his domicile and intended that law to operate. *Lincoln* v. *Perry*, *supra*.

Apparently no case on this point has ever arisen in Virginia.

INTOXICATING LIQUORS—INTENT AND GOOD FAITH NOT ELEMENTS OF ILLEGAL SALE OF ALCOHOLIC BEVERAGES.—The defendant, a retail dealer, purchased sweet cider from a manufacturer who was manufacturing it in accordance with the regulations of the National Prohibition Act. Due to the ineffectiveness of the preservative used by the manufacturer the cider, contrary to law, contained more than one-half of one per cent. of alcohol. The defendant was unaware that it contained more than the lawful percentage of alcohol. For selling such cider the defendant was criminally prosecuted, and defended on the ground of lack of knowledge and intent. *Held*, defendant guilty. *United States* v. *Mathie*, 274 Fed. 225 (1921).

There is a rule of the common law, of very general application, to the effect that there can be no crime when the criminal mind or intent is wanting. However, in some instances the doing of a prohibited act constitutes a crime, irrespective of the moral turpitude or purity of the motive, as the case may be, or of ignorance or mistake of fact. There are certain acts made punishable without proof that the defendant intended to commit a crime. Such acts are known as *mala prohibita*, and among these acts are prosecutions for the unlawful sale of intoxicating liquors. Upon considerations of public policy it is deemed best in such cases to require that one must ascertain at his peril whether what he does comes within the legislative prohibition. 8 R. C. L. 122. But see contra. *Stern* v. *State*, 53 Ga. 229, 21 Am. Rep. 266 (1874); *Farrell* v. *State*, 32 Ohio St. 456, 30 Am. Rep. 614 (1877). The offense in such cases consists not in the intention, but in the act. *Commonwealth* v. *Mixer*, 207 Mass. 141, 93 N. E. 249, 31 L. R. A. (N. S.) 467, 20 Ann.